

**QUESTIONS SUBMITTED FOR THE RECORD FOR THE HON. WILLIAM H. WEBSTER,  
DIRECTOR, CENTRAL INTELLIGENCE AGENCY  
FROM THE HOUSE COMMITTEE ON FOREIGN AFFAIRS**

1. In testimony before Senate Intelligence Committee, John McMahon, former Deputy Director for Operations and former Deputy Director Central Intelligence, when asked if he supported the 48-hour requirement, stated:

I do. I come from the position that the Intelligence oversight Committee has to be an integral part of our intelligence program. And as such it has to be a partner, particularly since it holds the purse strings, as well as the conventional wisdom of our Nation. And I also believe very strongly that unless covert action has bipartisan support it is eventually doomed for failure.

Judge Webster, given Mr. McMahon's long tenure in the CIA at a very senior level, what is your reaction to this statement.

2. In testimony before House Intelligence Committee, Professor Allan Goodman, a former CIA officer, now at the Georgetown School of Foreign Service, stated:

I think the younger people at Langley understand this, appreciate it, and see the need for it because they see the negative consequences.

The intelligence officer today, and especially, tomorrow, who may have to carry out a covert operation is going to want to know two things: First, that the operation can be kept secure, and the other thing they will want to know is that Congress has been duly and properly informed and that they are going to undertake an activity that is fully consistent with U.S. laws.

Because not to have that kind of assurance results as it did in the Iran-contra affair in ruined careers, recriminations, low morale, and ultimately the exposure of a covert operation through the investigation and hearing process.

So it seems to me that from the perspective of a professional intelligence officer they would want to know that Congress has been informed, that it is a lesson they are going to draw from the Iran-contra affair and something that a DCI in the future owes them just as much as they owe secrecy and security.

Would you comment on these statements?

3. What, in your opinion, is the duty of a Member of the Intelligence Committee when he or she is briefed on a covert action and honestly believes it would be harmful to the national interests?

4. During the hearings before House Intelligence we heard that a prior notice requirement with a 48-hour delay for rare cases when time is of the essence would somehow destroy the President's ability to respond adequately and flexibly to crises, yet the Iran caper, which all seem to condemn, is the only example of lack of prior notice since passage of the Oversight Act of 1980.

We also have heard that in some situations, where lives are on the line, prior notice should be avoided, yet the intelligence committees apparently routinely receive information of greater sensitivity than most covert actions, some of it pertaining to life or death situations. The thesis behind these dubious positions is that the information might leak.

— Isn't political risk the prime concern here? The justification to not notify — certainly it was in the case of Iran — and not constitutional principle or threat to life?

5. Do you view covert actions as ordinary off-the-shelf tools of American policy, or do you see them as significant undertakings to be used only in extraordinary circumstances? If the latter, isn't the fact that they are significant and extraordinary precisely the reason Congress should be notified in advance, and the more extraordinary it is, the more reason for such notification?

6. Judge Webster, it is my understanding that in your testimony before the Senate Intelligence Committee during confirmation hearings on your nomination as DCI you stated, that you couldn't conceive of a situation in which notice of a covert action should not be given to the intelligence committees within a few days of its initiation, and that if the President ordered you to do otherwise, you would resign.

Is that an accurate statement of your position then?